

**PUBLIC NOTICE**  
**INTENT TO ADOPT A NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

**File No. and Project Name/Description:**

**File No. PDC14-009 Rotten Robbie #2 Project** Planned Development Zoning request to rezone from CP Commercial Pedestrian to CP(PD) Planned Development Zoning District to demolish an existing gas station and replace with a new gas station and a 3,200 square foot convenience store on a 0.64 gross acre site. (Council District 1)

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Negative Declaration (ND) for this project. An ND is a statement by the City that the project will not have a significant effect on the environment.

The public is welcome to review and comment on the draft Negative Declaration.

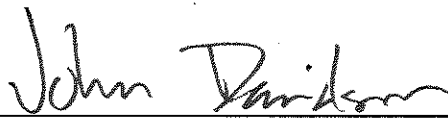
The public comment period for this draft Negative Declaration begins on **January 22, 2015**, and ends on **February 11, 2015**.

The draft Negative Declaration, initial study, and reference documents are available online at:  
<http://www.sanjoseca.gov/index.aspx?nid=2165>.

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Whitney Berry at (408) 535-7829, or by e-mail at [whitney.berry@sanjoseca.gov](mailto:whitney.berry@sanjoseca.gov).

Harry Freitas, Director  
Planning, Building and Code Enforcement



Deputy

Circulated on: January 22, 2015

## **SECTION 1.0 PROJECT INFORMATION**

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### **1.1 PROJECT TITLE**

Rotten Robbie #2

### **1.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT**

Tong (John) Tu  
Planner II | Planning Division | PBCE  
200 East Santa Clara Street  
[John.Tu@sanjoseca.gov](mailto:John.Tu@sanjoseca.gov)  
(408) 535-6818

### **1.3 PROJECT LOCATION**

1005 Saratoga Avenue  
A.P.N. 381-12-096/112/113

### **1.4 PROJECT APPLICANT'S NAME AND ADDRESS**

Robert (JR) Beard  
867 Pacific Street, Suite 120  
San Luis Obispo, CA 93401

### **1.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT**

General Plan Land Use Designation: Neighborhood Community Commercial subject to Urban Village Policies in the Envision San Jose 2040 General Plan  
Zoning District: CP – Commercial Pedestrian with proposed zoning of PD – Planned Development

### **1.6 SURROUNDING LAND USES**

North:	CP / Commercial	South:	CP / Commercial
East:	CP / Commercial	West:	CP / Commercial

### **1.7 PROJECT DESCRIPTION SUMMARY**

To demolish an existing gas station, and replace with a new gas station and a 3,200 square foot convenience store on an approximately 0.64 gross acre site, located on the southwest corner of Saratoga Avenue and Williams Road.

### **1.8 PROJECT-RELATED APPROVALS AND PERMITS**

This Initial Study/Negative Declaration is an informational document for both agency decision-makers and the public. The City of San José is the lead agency responsible for adoption of the Negative Declaration and approval of potential future project permits. A

summary of the anticipated entitlement and processing actions required to implement the project are as follows:

- Planned Development (PD) Rezoning (File Nos. PDC14-009 and PDC14-039)
- PD Permits
- Grading and Building Permits

## **1.9 HABITAT PLAN DESIGNATION**

Land Cover Designation:	Urban - Suburban
Development Zone:	Urban Development Equal to or Greater Than Two Acres Covered
Fee Zone:	Urban Areas (No Land Cover Fee)
Owl Conservation Zone:	No

## SECTION 2.0 PROJECT DESCRIPTION

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### Project Location

The subject site is located at 1005 Saratoga Avenue on the southwest corner of Saratoga Avenue and Williams Road. The site is adjacent to an existing Farmers Market and across the street from several office buildings. On the rear of the property and separated by a fence and masonry wall are Single-Family Residences.

The proposed project is within the Saratoga Avenue Urban Village Boundary and fronts Saratoga Avenue, which has been designated as a Grand Boulevard by the Envision San José 2040 General Plan.

### Project Description

The project is a Planned Development Rezoning to allow the demolition and construction of a new gas station and convenience store with the off-sale of beer and wine. The rezoning encompasses a 0.64 gross acre site that includes an existing gas station, vacant building, and the Bill of Fare Restaurant. The rezoning of the site to CP-Commercial Pedestrian uses would facilitate new developments with a design focus on pedestrian connectivity to the site, and will intermediately allow a convenience store and gas station with a Planned Development Permit.

The existing Rotten Robbie gas station and convenience is 1,984 square feet and was built in 1960. It currently occupies the center portion of the project site with minimal landscaping and significant amount of hard surface along the perimeter of the site. The proposed project will orient the building along the Saratoga Avenue frontage with a substantial amount of landscaping on and around the building to provide a landscape buffer.

The vacant commercial building will be demolished to allow for the construction of a 3,200 square foot single-story convenience store. The existing uncovered fuel pumps and the Bill of Fare Restaurant will also be demolished to allow a new canopy area that includes six (6) fuel centers with twelve (12) fuel pump dispensers. The project also includes a plan to increase the sidewalk from 10 feet to 12 feet, remove three (3) driveway curb cuts on Saratoga Avenue, and adds a new pedestrian path from the sidewalk to the convenience store. In the rear west portion of the site, an outdoor landscaped seating area is being proposed adjacent to a parcel with a Farmers Market and would be accessible from the convenience store and the Farmers Market site (see Site Plan below).

**Fuel Tanks.** The existing four (4) underground storage tanks (UST) containing gasoline and diesel fuel products are proposed to be removed and disposed of in accordance with State and County standards. This will consist of the USTs being emptied and cleaned and then disposed of in an acceptable location. The proposed three (3) USTs are double walled per current regulations and will be installed per manufacturer recommendations. The three (3) USTs will contain gasoline and diesel fuel products. As required per current regulations, the USTs and underground product, vent, and vapor piping will be double walled with continuous monitoring of the interstitial spaces. A monitoring panel will be installed in the Convenience Store in a readily accessible location that can be viewed by the employees. In the event the primary wall fails and begins to leak fuel into the secondary containment interstitial space, the monitoring panel alarms to notify the employees. A

service team would immediately be dispatched to diagnose leak location, and the system would be isolated to repair leak.

**Off-Sale of Beer and Wine.** The request for the off-sale of beer and wine is approximately 289 square feet or 9 percent of the total square feet of the convenience store floor area. The proposed project is not requesting late-night or 24-hour use and can operate from 6a.m. to 12 a.m. (midnight) as generally allowed in commercial zoning districts. The proposed project will provide closed-circuit security cameras to monitor inside and around the convenience store and around the fuel pumps. The Building Floor Plan shows the area for alcohol sales (beer and wine only) will be located in a walk-in cooler away from the main entrance (see Building Floor Plan below).

**Parking and Access.** The parking spaces proposed are based upon the San Jose Municipal Code which entail thirteen (13) stalls for the retail floor area, one (1) for air/water station, one (1) for information all multiplied 85% for a total requirement of twelve (12) parking spaces. The proposed quantity of parking stalls is twenty-one (21) with twelve (12) of the parking stalls under the fueling canopy (one (1) at each fuel position). Two (2) driveways along Williams Road will be removed and replaced with one (1) driveway. Four (4) driveways along Saratoga Avenue will be removed and replaced with one (1) driveway. New driveways along both street frontages will be located further away from intersection to promote safe onsite/offsite vehicle circulation.

**Landscaping.** A landscape plan has been prepared for the project that shows shade trees, shrubs, vines, and bio-retention areas. The proposed shade trees will also aid in screening the fuel center development from the neighboring parcels. Vines will be installed at the building to assist in screening the rear and side of the building. Proposed landscaping is chosen to meet water efficiency standards and bio-retention requirements. The existing landscape is approximately 0.07%, and the proposed landscape is 17.7% for an increase of over 17%. The additional landscaping provides for self treating of storm water and infiltration which reduces the quantity of storm water leaving the site.

**Lighting.** Exterior lighting is proposed for the new gas station and parking area for security and access. All outdoor lighting will conform to the City Council's Outdoor Lighting Policy (4-3) and meet energy efficiency requirements.

**Utilities.** The proposed project will utilize the existing onsite utilities as much as possible, including domestic and irrigation water supply. It is anticipated that an upgraded electric service will be required and will be accomplished with a new pad mount electric transformer. Existing sewer laterals are onsite to provide service to the existing buildings, but none have been identified as part of the topographic survey, as such, a new 4 inch sewer lateral is proposed with a tie-in location at the existing sewer main in Williams Road. Storm water will be routed via overland sheet flow and underground storm drain systems into landscape bio-retention areas for bio-treatment, and then collected for conveying into the City's existing storm drain located in Saratoga Avenue. A new covered trash enclosure will be constructed for solid waste disposal, and the location is made accessible to waste management vehicles.

**Grading.** The proposed project is surrounded by two (2) commercial properties and two (2) street frontages, and does not exceed 2% slope. It is not anticipated that soils will be imported or exported from the project site. The soil spoils from the new tank excavations will be used to fill the existing underground tank hole.

## SECTION 3.0 ENVIRONMENTAL DETERMINATION

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### 3.1 Environmental Factors Potentially Affected

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agricultural Resources                 | <input checked="" type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources                | <input type="checkbox"/> Cultural Resources                     | <input checked="" type="checkbox"/> Geology/Soils           |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                   | <input type="checkbox"/> Mineral Resources                      | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation/Traffic   | <input checked="" type="checkbox"/> Utilities/Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |

### 3.2 Environmental Determination

On the basis of this initial evaluation (completed by the Lead Agency):

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revision in the project could have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and/or 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Agency

## SECTION 4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as "Standard Permit Conditions."

### 4.1 AESTHETICS

#### Aesthetics Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### Explanation

- a) **No Impact.** The project site is located in central San Jose and would not impact any scenic vistas.
- b) **No Impact.** The project site is not part of a scenic vista, nor is it within a state scenic highway. The project would not remove any trees.
- c) **No Impact.** The proposed project would not alter the existing visual character of the site and its surrounding significantly as the project merely updates the existing gas station with a new canopy over six (6) proposed fueling dispensers. The improvements would be consistent with the architecture of the site, and surrounding areas. The project would be required to undergo

architectural and site design review by the Planning Staff to ensure compatibility with the surrounding neighborhood.

- d) **No Impact.** The new convenience store and the new fueling canopy would not create substantial light or glare that would affect day or night time views in the area. All new lighting would be LED high efficiency light fixtures and conform to the City's Outdoor Lighting Policy (4-3). Properties adjacent to the project site do not contain public open space including parks, plazas or school yards, so there would be no shading of public open space. Therefore, the proposed project would not significantly degrade the existing visual character of the site.

## Conclusion

Implementation of the proposed project would not result in significant adverse visual or aesthetic impacts. **(No Impact)**

## 4.2 AGRICULTURAL AND FORESTRY RESOURCES

### Agricultural and Forestry Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## Explanation



a – e) **No Impact.** There are no farmlands or lands in agricultural use on site or in the immediate vicinity. The project site is an existing gas station in a CP (Commercial Pedestrian) zoning district surrounded by commercial development.

The project site is currently developed as a Rotten Robbie convenience store and gas refilling station. The 0.64 acre parcel is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. The project does not result in the conversion of farmland to non-agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

## **Conclusion**

Implementation of the proposed project would have no impact on agricultural or forestry resources in the area. **(No Impact)**

## **4.3 AIR QUALITY**

### **Setting**

The California Air Resources Board (CARB) is responsible for air pollution control and setting State ambient air quality standards and allowable emission levels for motor vehicles. The State is divided into air basins governed by districts. The project site is located in the Bay Area Air Quality Management District (BAAQMD). BAAQMD monitors and enforces District, State of California, and Federal air quality standards. Monitored pollutants include Ozone (O<sub>3</sub>), Nitrogen Oxides (NO and NO<sub>2</sub>, collectively "NO<sub>x</sub>") Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Hydrogen sulfide (H<sub>2</sub>S), Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>), hydrocarbons, elemental and organic carbon, and various hazardous air pollutant compounds.

The project is located in the San Francisco Bay Air Basin. This Air Basin is in attainment for all national pollutant standards set forth in the Federal Clean Air Act with the exception of ozone. In June 2004, the Bay Area was designated a marginal non-attainment area for the national 8-hour ozone standard. The region also exceeds State ambient air quality standards for ozone and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The state standards for these pollutants are more stringent than the national standards. All other pollutants are designated as "attainment" or "unclassified" for federal and state standards (BAAQMD, 2012).

**Existing Ambient Air Quality.** The District operates a network of monitoring sites in the area and maintains a database of air quality data collected from these monitoring locations. The closest monitoring site in the City of San Jose to the project is located at 158 East Jackson Street, approximately 8 miles to the East.

There are no major stationary air pollutant sources adjacent to the site in San Jose. Automobile use is the primary source of air pollutant emissions, and fuel combustion produces exhaust with some level of criteria pollutants. There are no major sources of odor on the project site or in the project vicinity.

The Bay Area Air Quality Management District (BAAQMD) has implemented the Bay Area 2005 Ozone strategy to achieve compliance with the State's one-hour air quality standard for ozone

emissions and reduce ozone and ozone precursor emissions.

**Sensitive Receptors.** A sensitive receptor is generically defined as a location where human populations, especially children, seniors and sick persons, are located where there is reasonable expectation of continuous human exposure to air pollutants according to the averaging period for the Ambient Air Quality Standards (AAQS) (e.g., 24-hour, 8-hour, 1-hour). These typically include residences, hospitals, and schools.

### **Air Quality Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

### **Explanation**

- a) **Less Than Significant Impact.** The proposed project would not increase regional population growth or cause significant changes in vehicle travel that would affect implementation of the Bay Area 2010 Clean Air Plan.

The nearest sensitive air quality receptors are single-family residences to the Southeast of the project site, approximately 50 feet. The nearest business is a Jiffy Lube directly East, Learning Center to the West, and Farmers Market to the South, located on adjacent parcels of the proposed project. The nearest school is Easter Brook Discovery School located about 1,800 feet west of the project site at 4835 Doyle Road. The nearest hospital, Santa Clara Valley Medical Center, is located 3.5 miles east of the project site on 750 South Bascom Avenue. The most common air quality effects from construction sites are dust (PM10) and increased emissions from construction vehicles. These effects can be problematic for the young or old or those with asthma or emphysema.

- b) **Less Than Significant Impact.** The City of San Jose uses the thresholds of significant established by BAAQMD to assess air quality impacts. The BAAQMD CEQA Guidelines include screening levels and threshold for evaluating air quality impacts in the Bay Area. According to the BAAQMD CEQA Guidelines, the size of the proposed project, a convenience store (3,200 square feet), and canopy (3,822 square feet) is substantially below the commercial project size likely to generate significant emissions (i.e. 24,000-square foot supermarket producing 80 lbs/day of NO<sub>x</sub> from vehicle emissions). (BAAQMD CEQA Guidelines pg 25.) In addition, the BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day (BAAQMD CEQA Guidelines, pg 24). Since the existing gas station does not generate 2,000 vehicle trips per day, it is not required to have a detailed air quality analysis, and in addition, it is not anticipated that the convenience store and fueling dispensers will generate emissions in excess of the allowable limits. Therefore, significant emissions are not anticipated.

The project will result in short-term construction emissions and long-term vehicle emissions from project customers. Vehicle traffic from the proposed project will generate emissions of fine particulate matter (PM<sub>10</sub>), nitrogen dioxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>x</sub>), and reactive organic gases (ROG). It is estimated that the proposed fuel dispensers at the existing gas station would not generate any substantial new net trips per day, but would assist in reducing vehicle queuing.

#### *Construction Emissions.*

Construction equipment emits carbon monoxide and ozone precursors. These construction equipment emissions may affect localized air quality on a short term basis during construction. However, because the project is small and the construction period for the entire project is up to sixteen (16) weeks, construction emissions will not significantly contribute to violation of any air quality standard or significantly contribute to an existing or projected air quality violation. Construction emissions have been included in the emission inventory that is the basis for the regional air quality plans and are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area (BAAQMD 1999).

Particulate matter (PM<sub>10</sub>), or dust, will also be produced during construction. The BAAQMD has identified a set of feasible PM<sub>10</sub> control measures for construction activities. These measures are listed below as air quality BMPs (Best Management Practices), and have been modified for this project as applicable. Implementation of the measure described below ensure that impacts related to particulate matter emissions will remain less-than-significant. The following measures are incorporated into the project to ensure that construction-related air quality impacts are avoided or minimized to less-than-significant levels.

Approximately 28,000 square feet of impervious surface is to be removed and replaced with new 24,000 square feet of impervious area and new 4,000 square feet of landscaping. To reduce pollutants from construction related activities, the project proponent and/or contractor will implement the following standard abatement measures.

#### **Standard Permit Conditions**

- Water all active construction areas at least twice daily and more than two times during windy periods to prevent visible dust from leaving the site; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
  - Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
  - Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- c) **Less Than Significant Impact.** The BAAQMD CEQA guidelines use project screening to provide a simple indication of whether a project may exceed the threshold for total emissions from project operations. Because the project size is small and far below the project size likely to result in significant emissions, the project will not generate a significant source of air pollutants from vehicle emissions or result in significant air quality impacts. The San Francisco Bay Area is in non-attainment for ozone. The primary source of ozone precursors is motor vehicle emissions. The proposed project will not contribute to ozone pollutants because it will not substantially increase vehicle trips. The project is a new convenience store at an existing gas station with nine (9) new fueling dispensers, three (3) of which are for alternative fuel such as E85 and Bio-Diesel, in which both types are products used less often. It is an existing use, and the new improvements will not result in any new net trips per day. The project's contribution to vehicle emissions is negligible when compared to the total number of vehicle trips and emissions occurring throughout the San Francisco Basin. The project will generate carbon monoxide and dust emissions during construction which are already included in the emission inventory that is the basis for the regional air quality plans within the Bay Area Air Quality Management District.
- The project will not result in urban growth or introduce new sources of air pollutants. In addition, the BAAQMD has determined that a project does not have a significant cumulative air quality impact if it does not have a significant operation air quality impact and 1) the project is consistent with the local general plan, and 2) the general plan is consistent with the most recently adopted Clean Air Plan (BAAQMD CEQA Guidelines). The project proposes commercial development consistent with the General Plan land use designation for Commercial Pedestrian / Planned Development.
- d) **Less Than Significant Impact.** The project will not result in an increase in population or result in exposure of sensitive receptors to substantial pollutant concentrations. Given the short duration of construction, the nature of the construction activities, and implementation of the measures listed above to control dust that are consistent with BAAQMD requirements,

the project will not expose sensitive receptors to substantial pollutant concentrations. Therefore, the impact is considered less than significant.

- e) **Less Than Significant Impact.** There are no major sources of odor on the project site or in the project vicinity, nor will the project create objectionable odors. The project will be consistent with all State regulations to control odor and vapors.

## **Conclusion**

With implementation of the standard permit conditions, the proposed project would not result in significant air quality impacts. **(Less Than Significant Impact)**

## 4.4 BIOLOGICAL RESOURCES

### Setting

The vicinity surrounding the project is characterized by urban development. Commercial development is located North, South, East, and West. The project site is currently developed as a Rotten Robbie gas station, with a Sales Kiosk, operational restaurant, and an abandoned restaurant, and refueling canopy with dispensers. The perimeter of the site is sparsely landscaped; there is no naturally-occurring vegetation on the site or in the immediate vicinity. The remainder of the site is entirely paved.

### Biological Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

- a) **No Impact.** The project site is an urban commercial area that is completely developed with existing buildings, paved surface parking, and ornamental landscaping. No sensitive habitats or habitats suitable for special-status plants or wildlife species occur within or adjacent to the project site. The project would not directly result in impacts to special-status species.
- b) **No Impact.** The property and its immediate vicinity do not support any riparian or other sensitive natural communities. The site is a completely developed urban commercial area.
- c) **No Impact.** The project site is completely developed and devoid of wetlands, marshes or vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act.
- d) **No Impact.** The project is located in an urban environment and is not near existing wildlife corridors. There are no proposed project features that will block the movement of native resident or migratory fish or wildlife species or will be located in established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- e) **No Impact.** There are no existing trees on the project site. No trees will be removed as part of this project. The proposed project does not conflict with any local policies or ordinances protecting biological resources.
- f) **No Impact.** The project site is designated as *Urban-Surburban* land cover under the Santa Clara Valley Habitat Conservation Plan (HCP). Because the site is less than 2 acres, the redevelopment of the site is not subject to the HCP. Based on the existing developed nature of the site, the proposed project would not have direct impacts to any species covered by the HCP.

### Conclusion

Redevelopment of the project site would have no impact on biological resources with the implementation of the measures included in the project as standard City of San Jose permit conditions. **(No Impact)**

## 4.5 CULTURAL RESOURCES

### Cultural Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

- a) **No Impact.** The project site does not contain any historic structures and therefore would not have a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5.
- b – d) **No Impact.** The project site is within a fully developed urban area and is not located within a historical area, archaeologically sensitive area, or paleontological area nor does it contain any known human remains. As part of the development permit approval, the project will conform with the following standards to avoid impact associated with disturbance to buried archaeological resources during construction.

Consistent with Envision San José 2040 General Plan policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the project to reduce or avoid impacts to subsurface cultural resources.

### Standard Permit Conditions

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.



- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.

With implementation of the above standard permit conditions, the project will have a less than significant impact on cultural resources.

## **Conclusion**

Development of the project site, with the implementation of standard permit conditions above, would result in a less than significant impact to cultural resources. **(Less Than Significant Impact)**

## 4.6 GEOLOGY AND SOILS

### Geology and Soils Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4, 5
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4

### Explanation

- a) **Less Than Significant Impact.** The project is located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the proposed project. The project will comply with standard construction practices, such as compliance with the California Building Codes, which minimize seismic safety risks associated with commercial construction in a seismically active area. All building and utility improvements shall be designed and constructed in compliance with the California Building Code, which was enacted in order to minimize any seismic impacts. Prior to issuance of building permits,

building and utility design drawings shall be prepared and submitted to the City for review and confirmation that the proposed project fully complies with the building code.

### *Surface Fault Rupture and Seismic Shaking*

There are no known active faults traversing the project site and the site is not located in the Alquist-Priolo Earthquake Fault Zone. Geologic references indicate that no fault trace designated active or potentially active passes through the subject property. Table 1, lists the distance from the fault, the maximum moment magnitude, the slip rate, and fault type for local faults. The *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*, Uniform Building Code (1997 edition), Figure 16-3, Seismic Zone Map of the United States, was used solely to illustrate the distance between the subject fault zones and the subject site.

**Table 1. Active Faults and Characteristics**

<b>Fault</b>	<b>Distance<sup>1</sup> (km)</b>	<b>ME<sup>2</sup></b>	<b>Slip Rate</b>	<b>Fault Type</b>
Monte Vista-Shannon	4.6	6.8	0.40	B
San Andreas (Peninsula)	11.4	7.1	17.00	A

Potential for surface rupture from displacement or fault movement directly beneath the proposed project is considered low. Depending on the magnitude of a seismic event, new buildings may experience shaking due to the site's proximity to the active Hayward and Calaveras Faults.

### *Liquefaction and Lateral Spreading*

Liquefaction is a phenomenon in which granular material is transformed from a solid state to a liquefied state as a consequence of increased pore-water pressure and reduced effective stress. Increased pore-water pressure is induced by the tendency of granular materials to densify when subjected to cyclic shear stresses associated with earthquakes. This change of state occurs most readily in loose, saturated, cohesionless materials. A review of liquefaction maps from the Department of Conservation, California Geologic Survey the *State of the California, Seismic Hazard Zones, San Jose West Quadrangle*<sup>3</sup>, indicated that the subject site is not in an area requiring a liquefaction investigation according to Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California of the California Division of Mines and Geology (CDMG). Based on review of hazard maps, the soil conditions encountered, and laboratory testing, that the site soils encountered have a low potential of soil liquefaction and lateral spreading. A soils report must be submitted to and approved by the City prior to issuance of a grading permit.

<sup>1</sup> CDMG, Maps of Known Active Fault, Near-Source Zones in California and Adjacent Portions of Nevada, 1997.

<sup>2</sup> CDMG, Probabilistic Seismic Hazard Assessment for the State of California, 1996.

<sup>3</sup> [www.conservation.ca.gov/cgs/shzp/Pages/Index.aspx](http://www.conservation.ca.gov/cgs/shzp/Pages/Index.aspx), and [http://gmw.consrv.ca.gov/shmp/download/pdf/ozn\\_sjosw.pdf](http://gmw.consrv.ca.gov/shmp/download/pdf/ozn_sjosw.pdf)

### *Landslides (Seismic and Static)*

The project site is located in a relatively flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The project site is not located within an area susceptible to earthquake-induced landslides or Landslide Hazard Zone according to the Santa Clara County Geologic Hazard Zone Map. To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques.

- b , d) Less Than Significant.** The likelihood of impacts due to soil instability is low, based on the existing gas station use and long history of development on the site without incidence of subsidence or other instability. Based on the soils encountered during the geotechnical investigation (Appendix A), the site has a low potential for lateral spreading.
- c) Less Than Significant.** The site is completely covered with impervious surfaces except for the planting strips around the building and edges of the property. After construction, the amount of impervious surfaces will remain the approximately same and soil erosion will remain negligible. Erosion during construction will be controlled through the implementation of erosion control BMPs. Wind erosion will be controlled through the implementation of Air Quality BMPs, in the Air Quality section of the document. The project site is located on relatively flat topography and the possibility for landslides to occur at the site is negligible because there are no steep slopes in the area.

The project will conform to the current California Building Codes. A geotechnical investigation report (Appendix A) has been prepared that discusses proposed measures, design criteria, and specifications to be incorporated into the project design for approval prior to issuance of a building permit. Further, the project will be subject to City structural review by the Building and Planning Department to ensure that construction of the Rotten Robbie will not cause instability of the project site or result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the impact is considered less than significant.

- e) No Impact.** The project does not propose the use or construction of septic tanks or alternative wastewater disposal systems. The project will connect to the local sewer line. Therefore, no impacts related to installation of septic systems would result from the project.

### **Conclusion**

The project, with the implementation of standard engineering practices and standard permit conditions, would not result in significant geology and soil impacts. **(Less Than Significant Impact)**

## 4.7 GREENHOUSE GAS EMISSIONS

### Setting

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the General Plan. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

### Greenhouse Gas Emissions Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

### Explanation

- a) **Less Than Significant.** The City of San José has adopted a GHG Reduction Strategy that includes policies and measures to reduce GHG emissions. This Strategy document provides: 1) an overview of current climate science and background information on GHG emissions; 2) a summary of the State of California's and the San Francisco Bay Area Region policy frameworks for regulation of GHGs; and 3) the City's approach to establishing a GHG reduction target within the overall policy context, including reduction measures and actions/land use policies largely contained in the Envision San José 2040 General Plan. Adoption of the GHG Reduction Strategy provides a path to determine environmental clearance for required analysis of GHG impacts of proposed development as required per the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5.

The project is consistent with the City's General Plan land use designation of Neighborhood/Community Commercial. In addition, the project incorporates green building practices to the extent feasible.

As a fuel dispensing facility, generating greenhouse gases from customer vehicles is inevitable. However, preventative measures are taken to minimize gasoline vapor releasing into the atmosphere from fuel dispensing operations. As required by the Air Quality District, enhanced vapor recovery systems are put into place for the gasoline dispensing to capture the majority of gasoline vapor and return it back to the underground storage tanks. The gasoline vapor condenses back into gasoline or is removed from the site during underground storage tank filling operations. The vapor is then transported to an off-site facility to be processed.

- b) **Less Than Significant.** The project will not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project is consistent with the City's GHG Reduction Strategy.

## 4.8

## HAZARDS AND HAZARDOUS MATERIALS

### Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing.

Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

### Hazards and Hazardous Materials Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## Explanation

- a – d) **Less Than Significant.** The existing four (4) underground storage tanks (UST) containing gasoline and diesel fuel products are proposed to be removed and disposed of in accordance with State and County standards. This will consist of the USTs being emptied and cleaned and then disposed of in an acceptable location. The proposed three (3) USTs are double walled per current regulations and will be installed per manufacturer recommendations. The three (3) USTs will contain gasoline and diesel fuel products. As required per current regulations, the USTs and underground product, vent, and vapor piping will be double walled with continuous monitoring of the interstitial spaces. A monitoring panel will be installed in the Convenience Store in a readily accessible location that can be viewed by the employees. In the event the primary wall fails and begins to leak fuel into the secondary containment interstitial space, the monitoring panel alarms to notify the employees. A service team would immediately be dispatched to diagnose leak location, and the system would be isolated to repair leak.

Removal of and installation of underground storage tanks are regulated by and require a permit from the DEH.

## Standard Permit Conditions

- The removal of underground storage tanks (USTs) is subject to all requirements and guidelines of a DEH Underground Storage Tank System Closure Permit.
- The installation of underground storage tanks (USTs) is subject to all requirements and guidelines of a DEH Underground Storage Tank System Installation Permit.

The project site currently dispenses gasoline and diesel petroleum products and is regulated by the County of Santa Clara Department of Environmental Health (DEH). As part of fueling operations, monitoring systems are in place to detect spills, leaks, underground storage tank over filling or other hazards associated handling of the petroleum products. A Hazardous Materials Business Plan is on file with the local agency to handle emergencies such as spill containment in the event there is an accidental spill. Preventive spill measures are also handled by the requirements set forth by Environmental Health in regards to emergency shut off switches to stop fueling, break-away hoses to stop fuel flow should a vehicle drive off



with the hose in the filling position, and shear valves at dispensers should vehicle impact occur.

Implementation of the above standard permit conditions will reduce potential impacts from hazardous materials on the project site to less than significant levels.

- e,f) **No Impact.** The project site is not located within an airport land use plan and would not result in a safety hazard to airport operations. The project site is not located within the vicinity of a private airstrip and would not result in a safety hazard to airstrip operations.
- g, h) **No Impact.** The proposed gas station will not interfere with any adopted emergency or evacuation plans. The project will not create any barriers to emergency or other vehicle movement in the area and will be designed to incorporate all Fire Code requirements. The project will not expose people or structures to risk from wildland fires as it is located in a highly urbanized area that is not prone to such events.

## 4.9 HYDROLOGY AND WATER QUALITY

### Hydrology and Water Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## Explanation

- a) **No Impact.** The proposed park would not violate any water quality standards or waste discharge requirements as described in c) and e) below.
- b) **No Impact.** The proposed gas station would not deplete or otherwise affect groundwater supplies because it would not access groundwater. In addition, the project would not deplete/otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area.
- c) **Less Than Significant.** Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which required implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharge. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.

The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

### Standard Project Conditions

- Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and

- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project will implement the standard measures identified below to reduce erosion and water quality impacts to a less than significant level.

- d) **Less Than Significant.** The project will create or replace approximately 27,600 square feet of impervious surface. Per City Council Policy 6-29, this is a regulated project since the impervious area altered is more than the criteria of 2,500 square for small projects and more than 5,000 square feet for regulated projects. Based on size and land use, the project will be required to comply with the LID stormwater management requirements of Provision C.3 of the Municipal Regional Permit.

Based on its size and land use, the project will not be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit.

- e - f) **Less Than Significant.** There will be no indirect impacts as the project would not create additional paved surfaces resulting in additional stormwater runoff and the proposed use as a Rotten Robbie convenience store, and gas station would not provide substantial additional sources of polluted runoff. Drainage at the site enters the public storm drain system on Saratoga Avenue via bio-retention overflow. The project does create or replace over 5,000 square feet of impervious surface; therefore, the project is required to conform to the requirements of Provision C.3 of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) National Pollutant Discharge Elimination System Permit.

Since approximately 4,000 square feet of landscaping will replace a portion of the removed impervious surface, stormwater water quality will be improved due to infiltration and through the use of bio-retention facilities.

- g - h) **No Impact.** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D. The site does not appear to be located within the 100-year flood zone according to FEMA National Flood Insurance Rate Map (Map Number 06085C0236H).
- i) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

Conformance with the above will ensure that hydrology and water quality impacts would be reduced to a less than significant level at the time of development of the site.

## 4.10 LAND USE

### Setting

The project is located on the corner of Saratoga Avenue and Williams Road. Adjacent corners of the intersection contain a Jiffy Lube and other commercial uses. Residential uses surround the commercial uses.

The Zoning designation for the site is CP (Commercial Pedestrian). The CP Zoning District is a district intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. Currently, the project is in process to change designation to PD, Planned Development, to allow for the convenience store to be relocated at the rear of the site.

### **Land Use Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### **Explanation**

- a) **No Impact.** The project is proposed on an infill site in an urban area and will not physically divide an established community.
- b) **No Impact.** The project is consistent with the site's General Plan Land Use designation of Neighborhood/Community Commercial which allows a broad range of commercial uses including retail, personal services, office, hospitals, and community gathering facilities. The proposed rezoning and development permit for a gas station, convenience store, and off-sale of beer and wine are consistent with this land use designation as it provides services that serve the needs of people from the nearby community.
- c) **No Impact.** Please refer to Section 4.4. Biological Resources for a discussion of the project's consistency with the Santa Clara Valley HCP. The project will not conflict with any habitat conservation or natural community conservation plans.

## 4.11 MINERAL RESOURCES

### Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San Jose as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San Jose does not have mineral deposits subject to SMARA.

### Mineral Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

**a, b) No Impact.** The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

## 4.12 NOISE

### Setting

Noise levels in the project area are primarily influenced by traffic noise on the surrounding roadways. Based on the General Plan FEIR, existing noise levels on the project site range from 60 to 45 dBA.

### *Sensitive Receptors*

The nearest sensitive receptors to the project site are the single-family residences to the Southeast of the project site, approximately 50 feet. The other surrounding uses are commercial uses and are not considered sensitive land uses.

### *Municipal Code*

The City's Municipal Code contains an ordinance that limits noise levels at any property line of residential, commercial, or industrial properties as shown in the table below.

The Zoning Ordinance also limits noise levels generated by stand-by/backup and emergency generators. The noise level emitted by these generators shall not exceed 55 dBA at the property line of residential properties. The standards and criteria for stand-by/backup generators are set as follows:

- Maximum noise levels, based upon a noise analysis by an acoustical engineer, will not exceed the applicable noise standards set forth in Title 20.80.2030.
- Testing of generators is limited to 7 a.m. to 7 p.m., Monday through Friday.

### *Municipal Code – Construction Standards*

The San José Municipal Code (Title 20.100.450) limits construction hours within 500 feet of a residential unit to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	Maximum Noise Level in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial land uses adjacent to a property used or zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

## Noise Environmental Checklist

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6, 7
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

**a - d) Less Than Significant.** The proposed project is located on Saratoga Avenue, a major arterial street, and has a VTA regular bus stop located on the project site frontage at Saratoga Avenue. The road noise and bus stop presents a major source of ambient noise in the project area. As described in the transportation section, the proposed project will not change the number of average daily trips. Traffic related to this project will not substantially increase noise levels in the project area.

#### *Construction Noise*

Noise from the construction of the proposed project could impact residential properties in the neighborhood, located about 100 feet away. Consistent with the Municipal Code and in accordance with the General Plan FEIR, particularly Policy EC-1.7, the proposed project would implement the following Standard Permit Conditions during all phases of construction on the project site:



### ***Standard Permit Conditions***

- Demolition and construction activities on- or off-site, within 500 feet of sensitive receptors, such as residential development, shall be restricted to the hours of 7 a.m. to 7 p.m. Monday through Friday, non-holidays only. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All unnecessary idling of internal combustion engines is prohibited.
- All stationary, noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices.
- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- The Director of Planning, Building and Code Enforcement and residential neighborhoods located near the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.
- A noise disturbance coordinator shall be designated who is responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site and shall also be included in the notice sent to neighbors and the Director of Planning, Building and Code Enforcement regarding the schedule.

Implementation of the Standard Permit Conditions would be part of the conditions for project approval. Therefore, the proposed project would result in a less than significant construction-related noise impact.

### ***Operational Noise***

General Plan policy EC-1.6 requires existing and new industrial and commercial development to reduce the effects of operational noise on nearby residences through compliance with the City’s Municipal Code. The City’s Municipal Code limits noise from mechanical and other stationary equipment to 55 dBA at the nearest residential property line. The nearest residences are located in neighborhood approximately 50 feet southwest of the project site. The proposed project would be required to comply with the Municipal Code

which would ensure that mechanical equipment on the proposed building would result in a less than significant impact on ambient noise levels in the project area.

Based on estimated future traffic volumes associated with planned growth and redevelopment in the project area, traffic noise levels are anticipated to remain constant through 2035. The proposed project is consistent with the planned growth in the project area and would not increase traffic noise above that already anticipated. Typically, in high noise environments, if the project traffic would cause ambient noise levels to increase by more than three dBA at noise-sensitive receptors, the impact is considered significant. Traffic would have to double to create a perceptible noise impact. Therefore, the project would result in a less than significant operational noise impact to surrounding residential land uses.

- e - f) **No Impact.** The project area is not near a public or private airport or airstrip. The proposed project would not expose people to noise from airport activities.

## 4.13 POPULATION AND HOUSING

### Setting

The population of the City of San José is approximately 989,000. The proposed project is intended to provide gas station and convenience store services to the local population.

### Population and Housing Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

**a – c) No Impact.** The project entails the construction of six (6) fuel dispensers, a fueling canopy and convenience store. The project would have no impact on population and housing as the project does not propose the addition of housing.

## 4.14 PUBLIC SERVICES

### Setting

**Fire Protection:** Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 14, located less than a mile south of the site at 201 San Tomas Aquino Road.

**Police Protection:** Police protection services are provided to the project site by the San José Police Department (SJPD).

### Public Services Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
1. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4. Parks?					
5. Other Public Facilities?					

### Explanation

- a) **No Impact.** The project entails the construction of fuel dispensers, fueling canopy and convenience store. The project would have no impact on public services as the project does not propose the addition of housing or a change in existing zoning. Given the site's limited size (0.64 acre) and character of surrounding development, it is unlikely that future uses at the site allowed by the zoning designation would result in significant impacts to public facilities. Any future development on the site either on its own or in combination with adjacent properties to increase the site size would require subsequent and additional environmental review and City development permit approvals.

## 4.15 RECREATION

### Setting

There are no parks within the immediate project area. Strawberry Park, 0.6 miles to the northwest, is the nearest park to the project site. The project is a gas station with a convenience store and will not affect park land and facilities in the local community.

### Recreation Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

**a, b) No Impact.** The proposed gas station will not increase the use of existing neighborhood and regional parks or other recreational facilities.

## 4.16 TRANSPORTATION

### Setting

Saratoga Avenue is a major arterial street located in the vicinity of the project site. Local access to the project site is also provided via Williams Road. The project site is located approximately 7 miles southwest of the San Jose Mineta International Airport.

### Transportation Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

### Explanation

- a - b) **Less Than Significant.** The Santa Clara Valley Transportation Agency Congestion Management Plan (CMP) requires a transportation analysis when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips are recognized as having a less than significant impact on the roadway network. The existing gas station operation on site has six (6) pumps, and the proposed project is for six (6) pumps. The project is not substantially increasing daily trips; therefore it will not result in new traffic impacts. If the adjacent intersection is operating at Level-of-Service (LOS) D or better as determined by the City of San Jose Department of Public Works, the project will continue its current contribution to the LOS. This project is exempt from the LOS Policy, and no further LOS analysis is required because the project proposes 5,000 square feet of Retail use or less

The parking required as per the City's Zoning Code is a eighty-five (85) percent of the convenience store floor area divided by (200), plus (1) for air/water, plus (1) for information; therefore the required parking is (12) parking spaces. Although it is not codified in the City's Zoning Ordinance, the City has in the past, at their discretion, given credit for parking spaces contained under the fueling canopy at the pump islands. The project proposes a total of six (6) regular fuel pump islands, and each pump island can accommodate two (2) parked cars at a time. This results in a total of twelve (12) spaces provided under the fueling canopy. This would add another twelve (12) parking spaces to the total number of parking spaces provided by the project. The credit of these additional twelve (12) parking spaces would more than satisfy the Zoning Ordinance requirement. The number of parking spaces provided according to current project plans is less than the number required according to the City's Parking Ordinance; however, if the spaces provided under the fueling canopy are counted, the project provides adequate parking.

Additionally, as per a Memorandum issued by Public Works dated June 20, 2014, states that the projected traffic for this project was reviewed and found to be minimal, therefore no further traffic analysis is required.

- c, f) **No Impact.** The proposed project is an approximately 21 foot tall gas station would have no impact on air traffic patterns and would not interfere with existing or planned public transit, bicycle, and pedestrian facilities.
- d, e) **No Impact.** The proposed project would reconfigure the parking and vehicle circulation on the site. Tanker trucks currently arrive to fill the underground tanks (four double-walled tanks with a total capacity 48,000 gallons) entering either from Saratoga Avenue or Williams Road. The final design of the project would be reviewed by Public Works for safety hazards, land use incompatibility and emergency vehicle access. Therefore, the project would result in a less than significant impact due to design hazards and inadequate emergency access.

## 4.17 UTILITIES AND SERVICE SYSTEMS

### Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater treatment: treatment and disposal provided by the San Jose/Santa Clara Water Regional Wastewater Facility; sanitary sewer lines maintained by the City of San Jose.
- Water Service: San Jose Water Company
- Storm Drainage: City of San Jose
- Solid Waste: Various
- Natural Gas & Electricity: PG&E

### Utilities and Service Systems Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1



## Explanation

- a) **No Impact.** The proposed project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b) **No Impact.** The proposed gas station may incrementally increase water demands and wastewater generation; however, this increase is not expected to require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less Than Significant.** The project proposed to connect to the City's existing drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. Storm drainage bio-retention systems are planned that will require installation of a new storm drain pipe from the project site to the existing City storm drain system on Saratoga Avenue. The existing landscaping is approximately 200 square feet, and the proposed landscaping is approximately 4,000 square feet, so it is anticipated that there will be a reduction in storm water exiting the site due to infiltration. A Storm Water Control Plan will be developed and implemented as part of the proposed project.
- d) **No Impact.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources.
- e) **No Impact.** See a) and b) above. The project will not impact wastewater treatment services, since adequate capacity is available to serve the project demand.
- f) **Less Than Significant.** The project will not generate substantial solid waste compared to existing conditions that would adversely affect any landfills.
- g) **Less Than Significant.** The project will comply with all Federal, state and local statutes and regulations related to solid waste.

## 4.18

## MANDATORY FINDINGS OF SIGNIFICANCE

**Mandatory Findings Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Explanation**

- a) **Less Than Significant.** As discussed in the previous sections, the proposed project could potentially have less than significant environmental effects with respect to aesthetics, air quality, geology, hazards and hazardous waste, hydrology and water quality, noise, transportation and utilities. The proposed project of constructing a fueling canopy over fueling dispensers and a new convenience store that will be consistent in architectural style as determined by the Planning Department. Mostly impervious surface is to be demolished and therefore biology and cultural resources are not impacted. The new construction shall be designed in conformance with the current California Building Code taking into account the existing geology of the site. Additionally, the proposed project does not affect a change in land use.

- b) **Less Than Significant.** Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts.
- c) **Less Than Significant.** Based on the analysis provided in this Initial Study, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

## SECTION 5.0 REFERENCES

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1. City of San Jose Environmental Review Exemption Application.
2. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. June 2010.
3. Uniform Building Code (1997 edition), Figure 16-2.
4. Geotechnical Study prepared by Korbmacher Engineering, Inc., dated May 11, 2012.
5. Department of Conservation, California Geologic Survey, liquefaction maps.
6. City of San Jose 2040 General Plan.
7. City of San Jose Title 20 Zoning Ordinance.
8. City Council Policy 6-29.
9. Memorandum from Public Works, dated June 20, 2014.
10. Habitat Agency Geobrowser, Santa Clara Valley Habitat Agency (SCVHA) accessed January 2015. <http://www.hcpmaps.com/habitat/>

## **SECTION 6.0      AUTHORS AND CONSULTANTS**

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